

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1009 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 2-5-18-8 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE MAY 1, 2007 (RETROACTIVE)]: Sec. 8.
5 (a) The committee shall receive and may, at its discretion, review a
6 complaint filed by a person regarding a rule or practice of an agency.
7 (b) The committee may review an agency rule, an agency practice,
8 or a failure of an agency to adopt a rule. **Not later than December 15**
9 **of each year, the committee shall review each rule that was**
10 **submitted to the publisher under IC 4-22-2-35 after December 14**
11 **of the immediately preceding year and before December 15 of the**
12 **current year. The committee shall consider each filed rule and**
13 **adopt a motion recommending to the general assembly which rules**
14 **should be approved by the general assembly. The motion may**
15 **recommend that the rule be approved:**
16 (1) in the form filed with the publisher; or
17 (2) as modified by any amendment or correction that the
18 agency is permitted to make to the rule in a proceeding under
19 **IC 4-22-2-37.1 or IC 4-22-2-38.**
20 (c) The committee may recommend that a rule be modified,
21 repealed, or adopted.
22 (d) When appropriate, the committee shall prepare and arrange for
23 the introduction of a bill to clarify the intent of the general assembly
24 when the general assembly enacted a law or to correct the

misapplication of a law by an agency.

(e) The committee shall annually prepare and arrange for the introduction of a bill to approve any rules that the committee recommends for approval under subsection (b)."

Page 10, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 12. IC 4-22-2-25, AS AMENDED BY P.L.123-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2007 (RETROACTIVE)]: Sec. 25. (a) An agency has one (1) year from the date that it publishes a notice of intent to adopt a rule in the Indiana Register under section 23 of this chapter to comply with sections 26 through 33 of this chapter and obtain the approval or deemed approval of the governor. If an agency determines that a rule cannot be adopted within one (1) year after the publication of the notice of intent to adopt a rule under section 23 of this chapter, the agency shall, before the two hundred fiftieth day following the publication of the notice of intent to adopt a rule under section 23 of this chapter:

(1) notify the chairperson of the administrative oversight committee in writing of the:

(A) reasons why the rule was not adopted and the expected date the rule will be completed; and

(B) expected date the rule will be approved or deemed approved by the governor or withdrawn under section 41 of this chapter; and

(2) provide an electronic copy of the notice required under this subsection to the publisher.

(b) If a rule is not approved before the later of:

(1) one (1) year after the agency publishes notice of intent to adopt the rule under section 23 of this chapter; or

(2) the expected date contained in a notice concerning the rule that is provided to the administrative rules oversight committee under subsection (a)(2);

a later approval or deemed approval is ineffective, and the rule may become effective only through another rulemaking action initiated under this chapter.

(c) If a rule is not approved by the general assembly in the next regular session after the rule is approved by the governor under section 34 of this chapter, a later approval by the general assembly is ineffective and the rule may become effective only through another rulemaking action initiated under this chapter.

SECTION 13. IC 4-22-2-35, AS AMENDED BY P.L.123-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2007 (RETROACTIVE)]: Sec. 35. (a) When a rule has been approved or deemed approved by the governor within the period allowed by section 25 of this chapter, the agency shall immediately submit the rule to the publisher for filing. The agency shall submit the rule in the form required by section 20 of this chapter and with the

documents required by section 21 of this chapter.

(b) The agency shall submit to the publisher the copies of the rule and other documents specified in section 31 of this chapter.

(c) Subject to section 39 of this chapter, the publisher shall:

(1) accept the rule for filing; ~~and~~

(2) electronically record the date and time the rule is accepted;

and

(3) notify the members of the administrative rules oversight committee of the filing of the rule in the manner specified by the committee or, in the absence of a committee policy, in the manner specified by the chair of the committee.

SECTION 14. IC 4-22-2-36 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2007 (RETROACTIVE)]: Sec. 36. A rule that has been accepted for filing under section 35 of this chapter takes effect on the latest of the following dates:

(1) The effective date of the statute delegating authority to the agency to adopt the rule.

(2) The date that is ~~thirty (30) days from the date and time that the rule was accepted for filing under section 35 of this chapter.~~ **an act of the general assembly that approves the rule becomes law.**

(3) The effective date stated by the agency in the rule.

(4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.

SECTION 15. [EFFECTIVE MAY 1, 2007 (RETROACTIVE)]: **IC 2-5-18-8, IC 4-22-2-25, IC 4-22-2-35, and IC 4-22-2-36, all as amended by this act, apply only to rules that are approved by the governor under IC 4-22-2-34 after May 1, 2007."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1009 as printed February 16, 2007.)

Representative Walorski